

Appln No. 09/370,178
Amdt. Dated September 12, 2003
Reply to Office Action of June 24, 2003

Remarks

Rejections under 35 USC §103(a)

The Examiner has maintained her rejection of Claims 1, 4-5, 8-9, 13, 15, and 17 in view of Hoeher (IEEE publication) and Belvezze et al. (USP # 6,389,574) and Claims 2-3, 6-7, 10-12, 14, and 16 in view of Hoeher, Belvezze et al. and further in view of Hladik et al. (USP #5,721,745).

Applicant submits that the base reference in the form of the Hoeher publication fails to show or fairly suggest the method embodied within independent Claims 1, 8, and 15 as elucidated by the Examiner.

In Hoeher, the explicit steps for his standard SOVA algorithm is described in page 379 of that publication as follows:

for all states
 determine survivor (A)
 for all paths (A, ..., Ω)
 for the "relevant length"
 for the "relevant symbols"
 update stored reliability
 output final decision together with the M-ary reliability vector.

However, Applicant's Claims 1, 8, and 15 comprise substantially different methods including the inventive computing steps as outlined at page 10, lines 4-12 of Applicant's Specification as originally filed as follows:

For each state
 For each path entering the state
 Determine probability of entering state via path
 For each symbol value
 Extend probability vector for current symbol
 Merge probability vectors for current symbol
 Normalize over all states for current symbol time (optional)
 Determine soft output for symbol time δ earlier.

Appln No. 09/370,178
Amdt. Dated September 12, 2003
Reply to Office Action of June 24, 2003

The Examiner has not accepted Applicant's arguments filed 08 MAY 2003. Rather, the Examiner has pointed out that "features upon which applicant relies as stated in the argument are *not recited in the rejected claim(s).*" (italics in original) While Applicant respectfully submits that the inventive steps outlined above are inherent within the claims as written, Applicant has amended Claims 1, 8, and 15 to positively recite the inventive steps. Accordingly, Applicant respectfully submits that Claims 1, 8, and 15 more clearly overcome the outstanding rejection. Applicant does not believe that this constitutes new matter. Further, Applicant believes that no new issues exist that would necessitate further consideration by the Examiner due to the fact that these inventive steps as outlined above were clearly argued and considered in the previous response.

As stated before in Applicant's 08 MAY 2003 response, Applicant respectfully submits that the prior art method in Hoher only operates for the survivor path. Clearly, Hoher does not determine the probability of entering the state via the path for each and every path as required by Applicant's method. Further, Hoher only operates for his "relevant length" and only for the "relevant symbols." Applicant's method has no such limitation. Rather, Applicant's method is clear that the probability vector is updated for each and every symbol. For these reasons alone, Applicant submits that independent Claims 1, 8, and 15 are not shown or fairly suggested by Hoher as stated by the Examiner. Because Claims 1, 8, and 15 are believed to be allowable over the base reference Hoher either taken alone or in any combination with the other cited prior art and because Claims 2-7, 9-14, and 16-17, respectively, depend from these independent Claims 1, 8, and 15, Applicant submits that Claims 1-17 are each allowable over the prior art of record.

Again, the Examiner has rejected Claims 18-20 in view of Belvez et al. in combination with Hladik et al. More specifically, the Examiner stated that:

"Regarding claim 18, Belvez et al. have all subject matter claimed except specify using logarithmic probabilities. However, Hladik et al. teach using logarithmic probabilities."

Applicant respectfully disagrees and respectfully submits that the Examiner has failed to address arguments made earlier in Applicant's response of 08 MAY 2003.

Appln No. 09/370,178
Amdt. Dated September 12, 2003
Reply to Office Action of June 24, 2003

Applicant again submits that there are two kinds of algorithms to generate the soft output from a decoder: Maximum A posterior Probability (MAP) and Soft Output Viterbi Decoder (SOVA). MAP uses bi-directional processing – i.e., forward and backward. MAP also computes exact probability for each bit without any approximation. The drawback for MAP is the decoding latency is every high. SOVA uses uni-directional processing. Because SOVA makes a selection to choose the survivor path, this selection makes a hard decision on those survivor paths and therefore the information on the non-survivor path is discarded. This is a known limitation of SOVA. The merit of SOVA is the minimum decoding latency. The present invention uses one-directional processing as SOVA to achieve the minimum decoding latency, but also uses the exact probability computing for each bit as MAP to achieve the best performance. While Belvez et al. is an improvement over SOVA (such as the pure SOVA algorithm of Hoeher applied against Claims 1-17 above), Haldik et al. is a pure MAP algorithm. It is therefore not understood precisely how the combination of Belvez et al. and Haldik et al. are considered by the Examiner to precisely combine to form Applicant's Claims 18-20. More specifically, the Examiner has failed to particularly point out the subject matter being relied upon within the base reference Belvez et al.

As before, Applicant respectfully submits again that the Examiner has failed to satisfy her burden of factually supporting any conclusion of *prima facie* obviousness. The Examiner's attention is drawn to MPEP §2142 ("Legal Concept of Prima Facie Obviousness"), which provides in pertinent part:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... Second, there must be a reasonable expectation of success. Finally, the prior art reference(s) must teach or suggest all claim limitations. *In re Vaeck*, 947 F-2d 488, 20 USPQ 2d 1348 (Fed. Cir. 1991)."

Accordingly, the Applicant has no obligation to submit evidence of non-obviousness as relates to the blanket rejection of Claims 18-20 where the Examiner asserted that "[r]egarding claim 18, Belvez et al. have all subject matter claimed." Further, the Examiner is earnestly requested to

Appln No. 09/370,178
Amtd. Dated September 12, 2003
Reply to Office Action of June 24, 2003

explain with reasonable specificity the elements of Belvez et al. that show or fairly suggest at least Applicant's independent Claim 18. In the alternative, Applicant urges the Examiner to reconsider and withdraw the rejection.

Conclusion

Applicant respectfully submits that the above arguments are fully responsive to the outstanding Office Action and request entry thereof. Reconsideration and allowance of Claims 1-20 is solicited. If the Examiner does not receive the foregoing remarks in a positive light, she is earnestly requested to contact the undersigned by telephone in order to advance the application.

The Commissioner is hereby authorized to debit any underpayment or credit any overpayment to the USPTO deposit account no. 16-0600 should any additional fees be necessary.

Respectfully submitted,



Dennis R. Haszko
Reg. No. 39,575

Date: September 12, 2003

SHAPIRO COHEN
112 Kent Street, Suite 2001
P.O. Box 3440, Stn. D
Ottawa, ON
CANADA K1P 6P1
(0613) 232-5300

DRH:jp

SEP 12 2003
RECEIVED
CENTRAL FAX CENTER
OFFICIAL